

DAVID A. ROSENFELD, Bar No. 058163
WEINBERG, ROGER & ROSENFELD
A Professional Corporation
1001 Marina Village Parkway, Suite 200
Alameda, California 94501
Telephone (510) 337-1001
Fax (510) 337-1023
E-Mail: drosenfeld@unioncounsel.net

Attorneys for Union/Respondent, SEIU - United Long
Term Care Workers

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
REGION 31

LAKEVIEW TERRACE SKILLED NURSING
FACILITY, LLC.,

Employer

And

Alicia Lopez, an Individual,

Petitioner,

And,

SEIU - UNITED LONG TERM CARE
WORKERS,

Union/Respondent.

Case No. 31-RD-147734

**RESPONDENT'S RESPONSE TO EMPLOYER'S REQUEST FOR REVIEW OF
REGIONAL DIRECTOR'S DECISION AND ORDER**

The employer either conveniently or intentionally ignores the Board's recent Decision in *Americold Logistics, LLC*, 362 NLRB No. 58 (2015). Although that case involved the recognition bar, the Board held that the reasonable time for negotiations is "measured from the first bargaining meeting between the parties." *Id.* at pg. 2. There is no reason to apply a different doctrine where there is a successor bar under *UGL-UNICCO Service Company*, 357 NLRB No. 76 (2011).

The employer asks that this Board overrule *UGL-UNICCO*. The Board should reject that request. For these reasons the Board should forthwith deny the Request for Review.

Dated: May 12, 2015

WEINBERG, ROGER & ROSENFELD
A Professional Corporation

By: /s/ DAVID A. ROSENFELD
DAVID A. ROSENFELD
Attorneys for Union/Respondent,
SEIU - United Long Term Care Workers

138418/811453

PROOF OF SERVICE

(CCP §1013)

I am a citizen of the United States and resident of the State of California. I am employed in the County of Alameda, State of California, in the office of a member of the bar of this Court, at whose direction the service was made. I am over the age of eighteen years and not a party to the within action.

On May 12, 2015, I served the following documents in the manner described below:

RESPONDENT'S RESPONSE TO EMPLOYER'S REQUEST FOR REVIEW OF REGIONAL DIRECTOR'S DECISION AND ORDER

- X (BY FACSIMILE) I am personally and readily familiar with the business practice of Weinberg, Roger & Rosenfeld for collection and processing of document(s) to be transmitted by facsimile and I caused such document(s) on this date to be transmitted by facsimile to the offices of addressee(s) at the numbers listed below.
- X BY ELECTRONIC SERVICE: By electronically mailing a true and correct copy through Weinberg, Roger & Rosenfeld's electronic mail system from kshaw@unioncounsel.net to the email addresses set forth below.

On the following part(ies) in this action:

Executive Secretary National Labor Relations Board 1099 14th Street, N.W. Washington, DC 20570-0001 <i>Via Electronic Filing</i>	Ms. Mori P. Rubin Regional Director National Labor Relations Board, Region 31 11500 W. Olympic Boulevard, Suite 600 Los Angeles, CA 90064 mori.rubin@nrlrb.gov <i>Via Electronic Mail</i>
Mr. Richard M. Albert Foley & Lardner LLP 555 South Flower Street, Suite 3500 Los Angeles, CA 90071-2411 ralbert@foley.com <i>Via Electronic Mail</i>	

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on May 12, 2015, at Alameda, California.

/s/ Katrina Shaw

KATRINA SHAW